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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/720,608

11/24/2003

Joseph J. Massad

M3330.003

4237

24118 7590 03/06/2007
HEAD, JOHNSON & KACHIGIAN
228 W 17TH PLACE
TULSA, OK 74119

EXAMINER

WILSON, JOHN J

ART UNIT

PAPER NUMBER

3732

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
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3 MONTHS

03/06/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary	Application No.		Applicant(s)	
	10/720,608		MASSAD, JOSEPH J.	
	Examiner		Art Unit	
	John J. Wilson		3732	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 January 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) 1-5, 7 and 8 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 6 and 9-11 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 06 January 2007 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Election/Restrictions

This application contains claims 1-5, 7 and 8 drawn to an invention nonelected with traverse in the paper received June 22, 2006. A complete reply to the final rejection must include cancellation of nonelected claims or other appropriate action (37 CFR 1.144) See MPEP § 821.01.

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 10 and 11 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. The disclosure, as originally filed, does not teach a tooth made from porcelain, hardened processed acrylic or metal as now claimed, as such, these limitation are improper new matter.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claim 6 is rejected under 35 U.S.C. 102(b) as being anticipated by Laszlo (IL 83447 A, English Abstract from Derwent). Laszlo teaches teeth for a denture having open cavities, see lines 7-9 of the English Abstract, these cavities are filled with resin to form occlusal surfaces, see lines 9-12 of the English Abstract. The taught cavities inherently comprise receptacles.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Laszlo (IL 83447 A, English Abstract from Derwent) in view of Opatow (2309270). Laszlo teaches teeth for a denture having open cavities, see lines 7-9 of the English Abstract, these cavities are filled with resin to form occlusal surfaces, see lines 9-12 of the English Abstract. The taught cavities inherently comprise receptacles. Laszlo does not show a central bearing device. Opatow shows a central bearing device, Fig. 1. It would be

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obvious to one of ordinary skill in the art to modify Laszlo to include a central bearing device as shown by Opotow because the claim is merely a list of separate elements, not structurally tied together, that are intended to be used together, and as such, a list of the same elements by the prior art properly meets all of the claimed structure. The intended use of these elements together is not given patentable weight.

Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Laszlo (IL 83447 A, English Abstract from Derwent) in view of Tanaka et al (4997373). Laszlo does not state the type of material used to form the tooth. Tanaka teaches that it is known in the art to make teeth from porcelain, resin and metal, column 1, lines 35-40. It would be obvious to one of ordinary skill in the art to modify Laszlo to include porcelain or metal as shown by Tanaka in order to make use of a known material having the desired properties.

Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Laszlo (IL 83447 A, English Abstract from Derwent) in view of Opotow (2309270) as applied to claim 9 above, and further, in view of Tanaka et al (4997373). The above combination does not state the type of material used to form the tooth. Tanaka teaches that it is known in the art to make teeth from porcelain, resin and metal, column 1, lines 35-40. It would be obvious to one of ordinary skill in the art to modify the above combination to include porcelain or metal as shown by Tanaka in order to make use of a known material having the desired properties.

Drawings

The drawings submitted January 6, 2007 are objected to by the examiner because the drawing sheets are poor quality copies with very light lines.

Specification

The Abstract should be checked to insure that it is reflective of the current claimed invention.

Response to Arguments

Applicant's arguments filed January 16, 2007 have been fully considered but they are not persuasive. Applicant's remarks with respect to Worthington are held to be moot in view of the newly applied reference to Laszlo above. With respect to the combination with Opotow, the reference does show the device being used with a denture, and as such, suggests the bringing of the separate structures together in a list of elements. Terminology in a claim is only limited to the meaning as in the disclosure only if the term is specifically defined therein, in this case, the term receptacle has not be disclosed as having any specific meaning, and so, it is proper to broadly interpret the term.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to John J. Wilson whose telephone number is 571-272-4722). The examiner can normally be reached on Monday through Thursday.

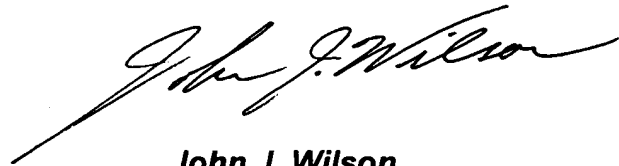
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Cris Rodriguez, can be reached at 571-272-4964. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR.

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Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, reading "John J. Wilson". The signature is fluid and cursive, with a long horizontal stroke extending to the left.

John J. Wilson
Primary Examiner
Art Unit 3732

jjw
February 25, 2007